

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

CIVIL NO. 2:06CV3

MELVIN THOMAS LONG,)
)
Petitioner,)
)
Vs.)
)
WARDEN, USP HAZELTON,)
)
Respondent.)
)

)

ORDER

THIS MATTER is before the Court on the Petitioner's motion for reconsideration of the Court's dismissal of his action entitled, "Habeas Corpus Petition pursuant to 28 USC § 451, et seq (1940)."

The Court has reviewed the motion for reconsideration and finds it to be frivolous and totally without merit.

Prisoners do not have an absolute and unconditional right of access to the courts in order to prosecute frivolous, malicious, abusive or vexatious motions. *Demos v. Keating*, 33 Fed. Appx. 918 (10th Cir. 2002); *Tinker v. Hanks*, 255 F.3d 444, 445 (7th Cir. 2001); *In re Vincent*, 105 F.3d 943 (4th Cir. 1997). The Petitioner is hereby warned that future

frivolous filings will result in the imposition of a pre-filing review system.

***Vestal v. Clinton*, 106 F.3d 553 (4th Cir. 1997).** If such a system is placed in effect, pleadings presented to the Court which are not made in good faith and which do not contain substance, will be summarily dismissed as frivolous. ***Foley v. Fix*, 106 F.3d 556 (4th Cir. 1997); *In re Head*, 19 F.3d 1429 (table), 1994 WL 118464 (4th Cir. 1994).** Thereafter, if such writings persist, the pre-filing system may be modified to include an injunction from filings. **See, 28 U.S.C. § 1651(a); *In re Martin-Trigona*, 737 F.2d 1254 (2d Cir. 1984).**

IT IS, THEREFORE, ORDERED that the Petitioner's motion for reconsideration is **DENIED**.

IT IS FURTHER ORDERED that the Clerk return to the Petitioner the money order enclosed with his motion to reconsider.

Signed: March 15, 2006



Lacy H. Thornburg
United States District Judge

